STATE OF NEW YORK

424

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. HINCHEY, GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the public authorities law, in relation to directing the New York state thruway authority to establish a farm E-Z Pass which grants discounted tolls for certain motor vehicles used by persons engaged in agricultural production

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public authorities law is amended by adding a new section 378-b to read as follows:

§ 378-b. Farm E-Z Pass. 1. The authority shall establish and issue electronic toll collection devices to provide a discount on tolls for motor vehicles that are owned and operated by a farm or farmer and are used exclusively for the transportation of qualifying agricultural products, and the farm or farmer would benefit from a toll collection discount due to financial hardship. Qualifying agricultural products include those consisting of crops, livestock and livestock products, as defined in subdivision two of section three hundred one of the agriculture and markets law. For the purposes of this section, motor vehicles may include passenger cars, vans, pickups, buses, single-unit trucks, single-trailer trucks having two or more axles, or any other vehicle the authority deems to be of equivalent size and purpose to qualify for the program. The use of such electronic toll collection devices shall provide a discount on the toll otherwise imposed for the use of the thruway system, or any portion thereof, by the motor vehicle to which the device is affixed. Each motor vehicle approved for the farm E-Z Pass grant shall be charged at a discounted rate as described in subdivision two of this section through the license plate of the motor vehicles provided during the initial application process. Discounts shall be awarded to farms or farmers experiencing financial

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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hardship based on a tiered system standard which shall be in effect within one year from the effective date of this section. Applicants shall reapply annually.

2. The authority, in consultation with the department of agriculture and markets, shall review the size of each farm applicant and determine whether such applicant is experiencing financial hardship. The authority, in consultation with the department of agriculture and markets, shall make size and hardship determinations by reviewing each farm applicant's annual sales, costs, and revenue, the number of crops, livestock, and/or livestock products needed to transport, and the amount of overall production. The tiers shall be determined as follows:

(a) First-tier: Micro farms shall be limited to one small-sized motor vehicle and shall be discounted one hundred percent of their toll expenses.

(b) Second-tier: Small-sized farms shall be limited to one small-sized motor vehicle and one medium-sized motor vehicle and shall be discounted seventy-five percent of their toll expenses.

(c) Third-tier: Medium-sized farms shall be limited to two medium-sized motor vehicles and shall be discounted fifty percent of their toll expenses.

(d) Fourth-tier: Large-sized farms shall be limited to two medium-sized and one large-sized motor vehicle and shall be discounted twenty-five percent of their toll expenses.

3. The authority, in consultation with the department of agriculture and markets, shall promulgate rules and regulations to implement the provisions of this section, including determining the application process and establishing the type of documentation or other proof required to prove that a motor vehicle is exclusively used to further the conducting of the production of crops, livestock, livestock products, or agricultural products.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, any rules and regulations necessary to implement the provisions of this act on its effective date are authorized to be completed on or before such date.